

NOTICE AND AGENDA

**SUNNYVALE CITY COUNCIL AND
REDEVELOPMENT AGENCY MEETING
TUESDAY, NOVEMBER 18, 2008
COUNCIL CHAMBERS, 456 W. OLIVE AVE.
SUNNYVALE, CALIFORNIA**

5 P.M. SPECIAL COUNCIL MEETING (Study Session)

City Council Study Session

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Convene to Study Session – **Onizuka Air Force Station (AFS) Draft Redevelopment (Land Use) Plan and Draft Homeless Assistance Submission**
Staff Contact: Robert Switzer, (408) 730-7512
4. Public Comment
5. Adjourn Special Meeting

6 P.M. SPECIAL COUNCIL MEETING (Study Session)

City Council Study Session

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Convene to Study Session – **Zero Waste Policy**
Staff Contact: Mark Bowers, (408) 730-7421
4. Public Comment
5. Adjourn Special Meeting

7 P.M. COUNCIL MEETING

Pursuant to Council Policy, the City Council will not begin consideration of any agenda item after 11:30 p.m. without a vote. Any item on the agenda which must be continued due to the late hour shall be continued to a date certain. Information provided herein could be subject to change from date of printing of the agenda to the date of the meeting.

SALUTE TO THE FLAG

ROLL CALL

Any agenda related writings or documents distributed to members of the City of Sunnyvale City Council regarding any open session item on this agenda will be made available for public inspection in the Office of the City Clerk located at 603 All America Way, Sunnyvale, CA. during normal business hours and in the Council Chambers on the evening of the Council Meeting, pursuant to Government Code §54957.5.

PUBLIC ANNOUNCEMENTS

Each speaker is limited to three minutes for announcements of community events, programs, or recognition.

CONSENT CALENDAR

- 1.A. MOTION Approval of Information/Action Items – Council Directions to Staff

Fiscal Items

- 1.B. MOTION List of Claims and Bills Approved for Payment by the City Manager – List
RTC 08–339 No. 425, 426 and 427

Staff Recommendation: Council reviews the attached lists of bills.

Staff Contact: Pete Gonda, (408) 730-7385

- 1.C. MOTION City of Sunnyvale Investment Report – 3rd Quarter
RTC 08–328

Staff Recommendation: Council receives and files the investment report.

Staff Contact: Therese Balbo, (408) 730-7604

- 1.D. MOTION Transmittal of the FY 2006/2007 Performance Results Audit of Program
RTC 08–326 646 – Arts and Recreation Programs and Operation of Recreation
Facilities

Staff Recommendation: Council receives the audit report and concurs with management's acceptance of recommendations.

Staff Contact: Sue English, (408) 730-7401

- 1.E. MOTION Carryover of Unexpended City Funds from FY 2007/08 to FY 2008/09 for
RTC 08–343 State of the City Event and Technology Allowance for City Council,
Restoration of Funding for the FY 2008/09 State of the City Event and
Approval of Budget Modification No. 17

Staff Recommendation: Staff recommends Alternatives 1, 3, and 5. Approve carryover of \$50,620 in allocated but unexpended State of the City funds from FY 2007/08 to FY 2008/09. Restore \$28,000 in funding for the FY 2008/09 State of the City Event. Approve carryover of \$6,553 in allocated but unexpended technology allowance funds from FY 2007/08 to FY 2008/09 for City Council.

Staff Contact: Patricia Lord, (408) 730-7477

Personnel

- 1.F. RESOLUTION City Manager and City Attorney: Salary Adjustment of Control Point;
RTC 08-336 Approval of City Manager's Pay for Performance Bonus in Accordance with the Agreement for Services between the City of Sunnyvale and the City Manager; Amendment to the Agreement for Services between the City of Sunnyvale and the City Attorney; and Amendment to the Schedule of pay for pay Plan Category F

Staff Recommendation: Council approves implementation of the salary adjustment to the Control Points for the City Manager and City Attorney, representing a 2.5% increase for City Manager and a 5.0% increase for City Attorney; based on City Council direction given staff at the closed session on November 3, 2008; Council authorizes a 10% performance bonus for the City Manager for Fiscal Year 2007/2008; based on Council direction given to staff at the closed session on November 3, 2008, amend the Agreement for Services with the City Attorney and authorize the Mayor to execute the Amendment to the Agreement for Services; and amend the Salary Schedule for Pay Plan Category F Job Code 0140.
Staff Contact: Tammy Parkhurst, (408) 730-7498

- 1.G. RESOLUTION Amendment to the Schedule of Pay of the Salary Resolution: Salary
RTC 08-338 Adjustment for Pay Plan Category C (applies to Classified Public Safety Officers and Lieutenants)

Staff Recommendation: Council amends Section 2.200 (Pay Plan Category C) of the Schedule of Pay of the Salary Resolution to reflect the new pay rates, effective retroactive to July 13, 2008.
Staff Contact: Tammy Parkhurst, (408) 730-7498

Contracts

- 1.H. MOTION Award of Contract for Six Police Patrol Cars (F0810-21)
RTC 08-340

Staff Recommendation: Council awards a contract, in substantially the same form as the attached draft Purchase Order and in the amount of \$149,534 to San Francisco Ford Lincoln Mercury for six police patrol cars.
Staff Contact: Pete Gonda, (408) 730-7385

- 1.I. MOTION Authorization to Modify an Existing Contract for Fire Protection
RTC 08-337 Engineering Services

Staff Recommendation: Council modifies an existing contract with Hughes Associates, Inc., in substantially the same form as the attached Agreement Amendment, by increasing the not-to-exceed amount from \$150,000 to \$220,000.
Staff Contact: Pete Gonda, (408) 730-7385

- 1.J. MOTION Lease Between the City of Sunnyvale and T-Mobile USA, Inc., of Ground
RTC 08-332 Space at Ponderosa Park

Staff Recommendation: Council approves the proposed lease agreement between the City and T-Mobile, subject to T-Mobile applying for and obtaining all required building safety permits.
Staff Contact: Cheryl Bunnell, (408) 730-7567

Other Items

- 1.K. MOTION 2008 Conflict of Interest Code Biennial Review and Amendment
RTC 08-334
Staff Recommendation: Council adopts the proposed resolution (Attachment C), amending the City's Conflict of Interest Code, in conformance with the Political Reform Act.
Staff Contact: Gail Borkowski, (408) 730-7474

PUBLIC COMMENTS

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PUBLIC HEARINGS/GENERAL BUSINESS

*If you wish to speak to a public hearings/general business item, please fill out a speaker card and give it to the city clerk. You will be recognized at the time the item is being considered by Council. **Each speaker is limited to a maximum of three minutes. For land-use items, applicants are limited to a maximum of 10 minutes for opening comments and 10 minutes for closing comments.***

2. MOTION Consideration of Proposed Art Donation
RTC 08-333

Staff Recommendation: Council approves acceptance of the donation of artwork from Ms. Flo Oy Wong and directs staff to install the art within the Sunnyvale Senior Center.
Staff Contact: Nancy Bolgard Steward, (408) 730-7342

3. ORDINANCE 2008-0870 – Ryan Madson [Applicant] Cherry Garden Apartments LLC
MOTION [Owner]: Application for related proposal located at 1248 Brookfield
RTC 08-329 Avenue (near S. Knickerbocker Dr.) in R-3 (Medium Density Residential) Zoning District.
~Rezone from R-3 (Medium Density Residential) to R-3/PD (Medium Density Residential/Planned Development) Zoning District;
~Special Development Permit to convert an existing 8-unit apartment complex to 6 condominiums;
~Tentative Map to create 6 new condominium units.

Staff Recommendation: Council approves application with conditions.
Staff Contact: Ryan Kuchenig, (408) 730-7431

4. RESOLUTION MOTION RTC 08-335 2006-0712 – Trumark Companies [Applicant] Ray Street Office, LLC. [Owner] Application for related proposals on a 6.63 acre site located at 1275 and 1287 Lawrence Station Road (near Elko Drive) in an M-S (Industrial & Service) Zoning District. (APNs: 110-15-045, 110-15-044); Certify the Environmental Impact Report

Staff Recommendation: Council certifies the Environmental Impact Report and adopts the Mitigation Monitoring and Reporting Program.

Staff Contact: Gerri Caruso, (408) 730-7591

5. ORDINANCE MOTION RTC 08-330 2006-0712 – Trumark Companies [Applicant] Ray Street Office, LLC. [Owner] Application for related proposals on a 6.63 acre site located at 1275 and 1287 Lawrence Station Road (near Elko Drive) in an M-S (Industrial & Service) Zoning District. (APNs: 110-15-045, 110-15-044) Amend Title 19 of the Sunnyvale Municipal Code (Zoning) to create a Mixed Use Zoning Combining District (MU), which may be combined with the R-3, R-4, and R-5 Residential Zoning Districts

Staff Recommendation: Council adopts and Ordinance Amending Title 19 of the Sunnyvale Municipal Code to create a Mixed use Combining District for the R-3, R-4, and R-5 Residential Zoning Districts, in accordance with the Planning Commission recommendation.

Staff Contact: Steve Lynch, (408) 730-2723

6. MOTION RTC 08-331 2006-0712 – Trumark Companies [Applicant] Ray Street Office, LLC. [Owner] Application for related proposals on a 6.63 acre site located at 1275 and 1287 Lawrence Station Road (near Elko Drive) in an M-W (Industrial & Service) Zoning District. (APNs: 110-15-045, 110-15-044) ~General Plan Amendment to change the land use designation from Industrial to Very High Density Residential, ~Rezone the site from M-S (Industrial & Service) to R-5/MU (High Density Residential and Office/Mixed Use), ~Statements of Overriding Consideration for air quality impacts associated with the effects of diesel particulate matter on future project residents and related to the project's contribution to cumulative regional air quality impacts. ~Special Development Permit to allow development of 338 condominium units and 16,000 square feet of commercial space, ~Vesting Tentative Map for condominium purposes.

Staff Recommendation: Council denies all related applications.

Staff Contact: Steve Lynch, (408) 730-2723

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

- Council
- Staff

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Draft Minutes for Arts Commission Special Meeting of October 29, 2008
- Draft Minutes for Housing and Human Services Commission Meeting of October 22, 2008
- Summary Minutes for the Intergovernmental Relations (IGR) Study Session Update of October 28, 2008

ADJOURNMENT TO THE REDEVELOPMENT AGENCY

REDEVELOPMENT AGENCY

ROLL CALL

PUBLIC ANNOUNCEMENTS

Each speaker is limited to three minutes for announcements of community events, programs, or recognition.

CONSENT CALENDAR

RDA 1.A. MOTION Approval of Draft Minutes of Regular Meeting of September 30, 2008

STAFF RESPONSES TO PRIOR PUBLIC COMMENTS

Staff may provide further information or clarification for the community's benefit in response to public comments made at previous Agency meetings. Staff will not necessarily respond to all public comments.

PUBLIC COMMENTS

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PUBLIC HEARINGS/GENERAL BUSINESS

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2. RESOLUTION First Amendment to Amended and Restated Disposition and
 MOTION Development and Owner Participation Agreement for Town Center
 RDA 08-005 Property (Modifications to Minimum Project TIF Date, Residential
 Ownership Requirements, Retail Leasing Milestones)
 Information Only Report On Compliance with Underground Parking
 Requirement and Block 6 Fifth Level Parking

Staff Recommendation: Council adopts resolution authorizing the Second Modification

to the Amended and Restated Disposition and Development and Owner Participation Agreement with Downtown Sunnyvale Mixed Use LLC (RREEF and Sand Hill Property Company) to:

- Modify the definition of the “Minimum Project TIF Date” to require 198 residential units instead of 200
- Allow up to 148 rental units for a maximum of five years subject to specified conditions to insure conversion to ownership housing; and
- Amend Milestone 4 to Milestone 4(a) completion of retail shell space for Minimum Project by March 30, 2009, 4(b) (1) commencement of delivery of 110,000 square feet of retail shell space to retail tenants by December 31, 2009, and 4(b) (2) delivery of an additional 40,000 square feet of retail shell space by March 31, 2010.

Staff Contact: Brice McQueen, (408) 730-7284

ADJOURNMENT

Notice to the Public:

The agenda reports to council (RTC's) may be viewed on the City's Web site at <http://sunnyvale.ca.gov> after 7 p.m. on Thursdays or at the Sunnyvale Public Library, 665 W. Olive Ave. as of Fridays prior to Tuesday City Council meetings. Please contact the Office of the City Clerk at (408) 730-7483 for specific questions regarding the agenda.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the Office of the City Clerk at or before the public hearing. PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a 90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure 1094.5.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Office of the City Clerk at (408) 730-7483. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CFR 35.104 ADA Title II).

GUIDELINES FOR ADDRESSING THE CITY COUNCIL

Public Announcement – Beginning of Council Meeting

- Three minutes or less per speaker.
- Speakers are requested to give their name (address is optional).
- Recognition of a special achievement.
- Announcement of public event with definite time and date.
- Public events that are of community-wide interest that occur on an annual basis. (only announce one time).

Public Hearing – Order of Hearing as Follows:

- Opening remarks by the applicant (if applicable) are limited to 10 minutes.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Anyone interested in addressing the Council (may only speak one time).
- Closing remarks by the applicant (if applicable) are limited to 10 minutes.
- Time limit of three minutes per person (may be extended at discretion of mayor). Please make comments brief and be prepared to provide new input.

Public Comments

- Any item relevant to the City of Sunnyvale.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Items not on the agenda.
- Items that do not fall within the scope of the public announcement section.
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Planning a presentation for a City Council/Planning Commission meeting?

To assist you in utilizing the technology available in the Council Chambers, the publication "*How to Make Your Council Chambers Presentation More Effective*" may be helpful. Copies are available on the tables located at the back of the Council Chambers prior to scheduled City Council and Planning Commission meetings. You may also pick up a copy at the Office of the City Clerk or visit the City's Web site at <http://sunnyvale.ca.gov>.

Planning to present materials to Council?

If you wish to provide the City Council with copies of your presentation materials, **please provide 12 copies of the materials to the city clerk** (located to the left of the Council dais). The city clerk will distribute your items to the Council.

SCHEDULED COUNCIL MEETINGS

DATE	MEETING	TIME	PLACE
November 18, 2008	Council Meeting	7 p.m.	Council Chambers
November 25, 2008	Council Meeting	7 p.m.	Council Chambers
December 2, 2008	Council Meeting	7 p.m.	Council Chambers
December 9, 2008	Council Meeting	7 p.m.	Council Chambers
December 16, 2008	Council Meeting	7 p.m.	Council Chambers
January 6, 2009	Council Meeting	7 p.m.	Council Chambers
January 13, 2009	Council Meeting	7 p.m.	Council Chambers

OTHER SCHEDULED MEETINGS

November 17, 2008	Personnel Board	5 p.m.	Council Chamber
November 19, 2008	Arts Commission	7 p.m.	Council Chambers
November 19, 2008	Housing and Human Services Commission	7 p.m.	West Conf. Room
November 20, 2008	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conf. Room
November 24, 2008	Planning Commission Study Session	7 p.m.	West Conf. Room
November 24, 2008	Planning Commission Public Hearing	8 p.m.	Council Chambers
November 26, 2008	Administrative Hearing	2 p.m.	West Conf. Room
December 3, 2008	Heritage Preservation Commission – CANCELED	7 p.m.	
December 8, 2008	Planning Commission Study Session	7 p.m.	West Conf. Room
December 8, 2008	Planning Commission Public Hearing	8 p.m.	Council Chambers
December 10, 2008	Parks and Recreation Commission	7 p.m.	Council Chambers
December 10, 2008	Administrative Hearing	2 p.m.	West Conf. Room
December 17, 2008	Housing and Human Services Commission	7 p.m.	West Conf. Room
January 14, 2009	Parks and Recreation Commission	7 p.m.	Council Chambers

CHANNEL 15 – KSUN

November 18, 2008	City Council Meeting – Live	7 p.m.
November 19, 2008	City Council Meeting – Replay of November 18, 2008	7 p.m.
November 23, 2008	City Council Meeting – Replay of November 18, 2008	4 p.m.
November 25, 2008	City Council Meeting – Live	7 p.m.
November 26, 2008	City Council Meeting - Replay of November 25, 2008	7 p.m.
November 30, 2008	City Council Meeting – Replay of November 25, 2008	4 p.m.
December 2, 2008	City Council Meeting - Live	7 p.m.
December 3, 2008	City Council Meeting - Replay of December 2, 2008	7 p.m.
December 7, 2008	City Council Meeting - Replay of December 2, 2008	4 p.m.
December 9, 2008	City Council Meeting - Live	7 p.m.
December 10, 2008	City Council Meeting - Replay of December 9, 2008	7 p.m.
December 14, 2008	City Council Meeting - Replay of December 9, 2008	4 p.m.
December 16, 2008	City Council Meeting - Live	7 p.m.
December 17, 2008	City Council Meeting - Replay of December 16, 2008	7 p.m.
December 21, 2008	City Council Meeting - Replay of December 16, 2008	4 p.m.
January 6, 2009	City Council Meeting - Live	7 p.m.
January 7, 2009	City Council Meeting - Replay of January 6, 2009	7 p.m.
January 11, 2009	City Council Meeting - Replay of January 6, 2009	4 p.m.
January 13, 2009	City Council Meeting - Live	7 p.m.
January 14, 2009	City Council Meeting - Replay of January 13, 2009	7 p.m.
January 18, 2009	City Council Meeting - Replay of January 13, 2009	4 p.m.